

Serial No. 08/272,002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Manaras et al

Serial No.: 08/272,002

Filed: 07/08/1994

For: OVERRIDE DEVICE FOR ALLOWING MANUAL OPERATION
OF A CLOSURE NORMALLY OPERATED BY AN ELECTRIC MOTOR)

#21

PETITION TO WITHDRAW A HOLDING OF ABANDONMENT
UNDER 37 CFR § 1.181

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

NOV 16 2005

OFFICE OF PETITIONS

Sir:

In a letter dated August 19, 2005, received from Sébastien Clark of the firm of Swabey, Ogilvy, and Renault, Suite 1600, 1981 McGill College, Montreal, Quebec, Canada H3A 2Y3, Marvin S. Townsend (the undersigned) was requested to inquire about the status of the above-identified utility patent application (the subject patent application). The undersigned was provided with a Power to Inspect/Copy to make the inquiry with respect to the subject patent application; and a copy of the Power to Inspect/Copy is provided as Exhibit A, attached hereto.

From the undersigned's inquiry, it was learned that the patent application became abandoned on April 3, 1997. The reason for abandonment was failure to pay the Issue Fee. It is assumed that the Issue Fee had to be paid on or before April 2, 1997.

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GROUP 3600

However, from information provided to the undersigned by Sébastien Clark, it was learned that the Issue Fee had in fact been paid in a timely manner. More specifically, the Issue Fee was paid on April 2, 1997 for the subject patent application. THEREFORE, IT IS RESPECTFULLY REQUESTED THAT THE HOLDING OF ABANDONMENT BE WITHDRAWN, and that the subject patent application be sent to Issue.

It is also requested that the Amendment After Allowance under 37 C.F.R. 1.312 (mentioned below), that was also filed on April 2, 1997 for the subject patent application, concurrently with the Issue Fee, be entered before issuance of the patent.

More specifically, the information provided to the undersigned stands as evidence that the Issue Fee was in fact paid in a timely manner for the subject patent application, and the evidence of timely filing of the Issue Fee payment includes as follows:

(i) a copy of the receipt, date-stamped by U. S. Patent and Trademark Office on April 2, 1997, (see attached Exhibit B) which includes:

(a) identifying information for

- (1) File No. 10459-9"US"MJS/sm,
- (2) Applicant MANARAS et al, and
- (3) Patent Ser. No. 08/272,002,

(b) a box "X"ed for filing of a Certified Copy of Canadian Application No. 2,112,350,

(c) a box "X"ed for filing an Amendment After Allowance under 37 C.F.R. 1.312,

(d) a box "X"ed for a FEE BEING PAID that is
Final,

(e) a money Amount of 645.00, and

(f) Cheque No. 4528;

(ii) a copy of the cancelled check, No. 4528, (see attached Exhibit C) both front and back, indicating that the U. S. Patent and Trademark Office has received funds in the amount of \$645.00 to cover the Issue Fee; and

(iii) a copy of a transmittal letter (dated April 1, 1997) (see Exhibit D) which indicates that the following were enclosed with the transmittal letter:

(a) Form PTOL-85B,

(b) Cheque No. 4528 (\$645.00,

(c) Certified Copy of Canadian Application
No. 2,112,350, and

(d) an Amendment After Allowance under 37
C.F.R. 1.312.

Clearly, the date-stamped receipt (Exhibit B), the cancelled check (Exhibit C), and the transmittal letter (Exhibit D) provide complete proof that the U. S. Patent and Trademark Office received the Issue Fee for the subject patent application in a timely manner. Clearly, then, the U. S. Patent and Trademark Office made an error by regarding the subject patent application as being in a state of abandonment.

To the knowledge and belief of the undersigned, there is no current rule relating to a time limit from the date of the abandonment of the subject patent application to the date of filing of this Petition to Withdraw a Holding of Abandonment, Under 37 CFR § 1.181. Nevertheless, the undersigned would like to provide a brief account of some of the time between the date of abandonment (April 3, 1997, which was the day after the filing of the Issue Fee) and the date of filing this Petition.

First, on December 8, 1999, it appears that a status inquiry was sent electronically to the U. S. Patent and Trademark Office, to telephone number 703-305-8755, as indicated in a COMMUNICATION RESULT REPORT which indicates that the transmission was OK (see attached Exhibit E).

Second, a STATUS INQUIRY was sent to the U. S. Patent and Trademark Office, and a post card receipt was date-stamped by the U. S. Patent and Trademark Office on December 16, 1999. The post card receipt was received by Swabey, Ogilvy, and Renault on December 21, 1999. A copy of the date-stamped post card receipt and status inquiry letter are attached hereto as Exhibit F.

Third, on July 19, 2000, an URGENT REMINDER of the STATUS INQUIRY of December 16, 1999 was sent electronically to the U. S. Patent and Trademark Office, to telephone number 703-305-8755, as indicated in a COMMUNICATION RESULT REPORT which indicates that the transmission was OK (see attached Exhibit G).

Fourth, an URGENT REMINDER of the STATUS INQUIRY of December 16, 1999 sent to the U. S. Patent and Trademark Office, and a post card receipt was date-stamped by the U. S. Patent and Trademark Office on August 15, 2000. A copy of the date-stamped post card receipt and URGENT REMINDER of the STATUS INQUIRY of December 16, 1999 are attached hereto as Exhibit H.

Finally, recently the undersigned was informed by Sébastien Clark that a five year time interval since August 15, 2000 and the present can be explained by the facts that (a) the patent agent responsible for the file of the subject patent application had left the firm of Swabey, Ogilvy, and Renault, that (b) the docket system of Swabey, Ogilvy, and Renault did not generate any reminder for the subject patent application, and that (c) the current assignee of the subject patent application did not follow up on this matter because the current assignee was not aware of the subject patent application until recently, since it had been filed by another party.

In view of the above, the following are hereby respectfully requested:

(1) that the holding of abandonment of the subject patent application be withdrawn,

(2) that the above-mentioned Amendment After Allowance under 37 C.F.R. 1.312 that was also filed on April 2, 1997, concurrently with the Issue Fee, be entered in the subject patent application, and

(3) that the subject patent application be sent to Issue.

Respectfully submitted,

September 15, 2005
Date

Marvin S. Townsend
Marvin S. Townsend
Registration Number 27,959

Marvin S. Townsend
Patent Attorney
8 Grovepoint Court
Rockville, MD 20854
(Voice and Fax) 301-279-0660
E-mail: MTowsend@aol.com

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, with sufficient postage, in an envelope addressed to:

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

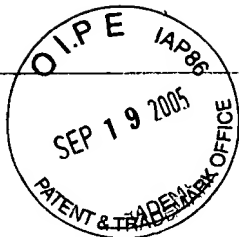
_____ ;

Name of person making the deposit,

Marvin S. Townsend ;

Signature, Marvin S. Townsend ;

Date, September 15, 2005 .



PTO/SB/67 (11-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

POWER TO INSPECT/COPY

Docket Number (Optional)

10458-9US

In re Application of

Michel MANARAS et al.

Application Number

08/272,002

Filed

January 2, 1997

Art Unit

3502

Examiner

V. LUONG

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Paper No. _____

Please permit the following person(s) to inspect and make copies of the above identified application:

Customer Name(s): Marvin S. TOWNSENDBadge Number(s): Reg. No. 27,959

Company Name (if any): _____

Telephone Number: (301) 279-0660Fax Number: (301) 279-0660**RECEIVED**

SEP 26 2005

GROUP 3600

I am an:

☐

Applicant.

☐

Authorized official of the assignee of record. The assignment was recorded in the United States Patent and Trademark Office at Reel _____ Frame _____
or for which a copy thereof is attached.

☐

Attorney or agent of record. Registration No. _____

☒

Attorney or agent named in the application papers filed under 37 CFR 1.53, 1.494, or 1.495 (37 CFR 1.63 or 1.497 oath or declaration not filed). Registration No. 26,674

Signature

August 19, 2005

Date

Kevin P. Murphy

Typed or printed name

Patent Agent, Ogilvy Renault LLP

Title (Officer of company or corporate assignee)

Manaras Auto Doors Inc.

Name of Assignee, if any (e.g., company name)

Telephone Number _____

FOR USPTO USE ONLY

If a CD is ordered:

Date CD ordered: _____

Date CD received: _____

Date CD given to customer: _____

Date CD returned by Customer: _____

CD purchased? YES NO

Power to Inspect Approved by: _____

Unit: _____

MAIL ROOM
APR 2 1997
MAR 67

Form No. 430/82

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GROUP 3600

N° 4528

SWABEY
OGILVY RENAULT

Exhibit C

April 1, 19 97

1981 MCGILL COLLEGE, SUITE 1600
MONTREAL, CANADA H3A 2Y3

S.E.N.C.

TELEPHONE (514) 845-7126
FACSIMILE (514) 288-8389

PAYEZ À L'ORDRE DE
PAY TO THE ORDER OF

THE COMMISSIONER OF PATENTS AND TRADEMARKS

\$ 645.00

U.S. FUNDS

SIX HUNDRED AND FORTY-FIVE DOLLARS AND NO CENTS

U.S. DOLLAR ACCOUNT

04/18/97/ AWX212-0400-5

242 SWABEY OGILVY RENAULT

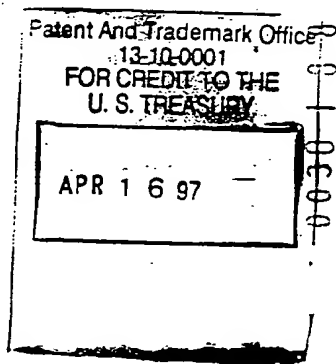
LA BANQUE ROYALE DU CANADA
THE ROYAL BANK OF CANADA
1140 OUEST STE. CATHERINE WEST
MONTREAL, CANADA H3B 1H7

⑆026004093⑆

05101⑈8900⑈9⑈

⑈0000064500⑈

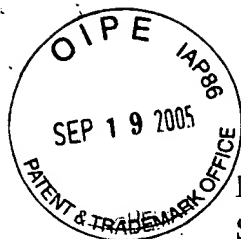
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0212-0400-5
0212-0400-5
0212-0400-5
0212-0400-5

01987772
0212-0400-5
04/18/97



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of: Michel MANARAS et al.
Serial No.: 08/272,002
Filed: July 8, 1994
Title: "Override Device for Allowing Manual
Operation of a Closure Normally Operated
by an Electric Motor"
Allowed: January 2, 1997
Batch No.: 103

Assistant Commissioner For Patents
Washington, D.C. 20231
U.S.A.

Sir:

Enclosed are the following:

1. Duly executed Form PTOL-85B along with our cheque no. 4528 in the amount of \$645.00 to cover the prescribed US Government Issue Fee;
2. Certified copy of Canadian Patent Application No. 2,112,350 filed in Canada on December 23, 1993 and upon which priority is based, and completed under 35 U.S.C. §119;
3. Amendment After Allowance under 37 C.F.R. 1.312

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 19-5113.

April 1, 1997

Date

Michel Sofia
SWABEY OGILVY RENAULT
Registration No. 37,017
1981 McGill College
Suite 1600
Montreal, Quebec
Canada H3A 2Y3

Enc.: - Form PTOL-85B
- Cheque No.4528 (\$645.00)
- Certified Copy of Canadian
Patent Application No. 2,112,350

* * * COMMUNICATION RESULT REPORT (DEC. 8. 1999 4:15PM) * * *

TTI SWABEY OGILVY MTL 514 288 8389

FILE MODE	OPTION	ADDRESS (GROUP)	RESULT	PAGE
8891 MEMORY TX		917033058755	OK	11/11

104158-9US.

3m: 300

5p: 1500

6p: $\frac{10.50}{28.50}$

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWER

E-2) BUSY
E-4) NO FACSIMILE CONNECTION

File No.: 10458-9"US" MJS/sm

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re Application of: Michel MANARAS et al.

For: Override Device for Allowing Manual Operation of a Closure
Normally Operated By an Electric Motor

Filed: July 8, 1994

Serial No.: 08/272,002

Allowed: January 2, 1997

Group Art Unit: 103

File No. 10458-9"US" MJS/sm

Applicant Michel Manarasethal.

Patent Ser. No. 08/272,002

Trade Mark Ser. No. _____

Design Ser. No. _____

AMENDMENT: ☐ NEW CASE: ☐ ☒ STATUS INQUIRY

DEADLINE _____

Initials MJS/sm

Date: December 8, 1999

FEE BEING PAID

Filing ☐
Assignment ☐
Extra Claims ☐
Final ☐
T.M. Publication ☐
Registered User ☐
Opposition ☐
Renewal ☐
Other: specify ☐



Amount _____

Cheque No. _____

STANLEY OGILVY RENAULT
REGISTERED

DEC 21 1999

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DEC 20 1999

* * * COMMUNICATION RESULT REPORT (JUL. 19. 2000 8:51AM) * * *

TTI SWABEY OGILVY MTL 514 288 8389

FILE MODE	OPTION	ADDRESS (GROUP)	RESULT	PAGE
5891 MEMORY TX		917033058755	OK	11/11

10458-9us. mjs

3m: 3.00

Sp: 15.00

bp: 10.50
28.50

REASON FOR ERROR
 E-1) HANG UP OR LINE FAIL
 E-3) NO ANSWER

E-2) BUSY
 E-4) NO FACSIMILE CONNECTION

URGENT

File No.: 10458-9"US" MJS/sm

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re Application of: Michel MANARAS et al.

REMINDER

For : Override Device for Allowing Manual Operation of a Closure
 Normally Operated By an Electric Motor

Filed : July 8, 1994

Serial No.: 08/272,002

Allowed: January 2, 1997

Group Art Unit: I03

URGENT**REMINDER**

D 41 220-10

File No. 10458-9"US" MJS/sm

Date: July 18, 2000

Applicant Michel Manaras et al.

Patent Ser. No. 08/272,002

Trade Mark Ser. No. _____

Design Ser. No. _____

AMENDMENT: ☐ NEW CASE: ☐ ☒ STATUS INQUIRY

DEADLINE MJS/sm

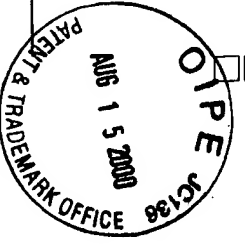
Initials _____

Filing Assignment Extra Claims Final
☐ ☐ ☐ ☐
T.M. Publication Registered User Opposition Renewal
Other: specify _____

FEE BEING PAID

Amount _____

Cheque No. _____



URGENT



File No.: 10458-9"US" MJS/sm

IN THE U.S. PATENT AND TRADEMARK OFFICE

**REMINDER
RAPPEL**

In re Application of : Michel MANARAS et al.

For : Override Device for Allowing Manual Operation of a Closure
Normally Operated By an Electric Motor

Filed : July 8, 1994

Serial No.: 08/272,002

Allowed: January 2, 1997

Group Art Unit: I03

URGENT

Assistant Commissioner for Patents
Washington, D.C. 20231
U.S.A.

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**REMINDER
RAPPEL**

Sir:

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This is a **REMINDER** to our Status Inquiry of December 16, 1999 (copied below and enclosures). Please advise.

This follows our payment of the Base Issue Fee on April 2, 1997 in the above application, as well as our subsequent Status Inquiries.

To date, we have still not received the U.S. Letters Patent for the above application. In the above application, the Base Issue Fee was due by April 2, 1997 and was timely paid on that same date. To support this, we include a copy of our file copies (i.e. unsigned) of our cover letter of April 1, 1997 and of its annexes Form PTOL-85B, the Amendment After Allowance under 37 C.F.R. 1.312, and the front page of the Certified Copy of priority Canadian Application No. 2,112,350, all filed in the USPTO on April 2, 1997. We also include copies of both sides of our cashed cheque No. 4258 (also submitted on April 2, 1997) in the amount of \$645.00 which shows that it was received and cashed by the USPTO. We further enclose a copy of our firm's post card confirming the timely receipt of these documents by the USPTO on April 2, 1997.

Assistant Commissioner for Patents

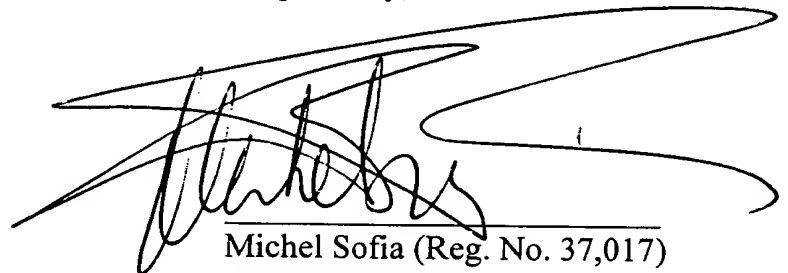
Although we have not received any confirmation that the priority claim has been entered in the above application, we know that the Patent Office received on April 2, 1997 our correspondence of April 1, 1997 as we have since received a Patent Office Communication dated January 23, 1998 indicating that the Amendment After Allowance which we submitted simultaneously with the payment of the Base Issue Fee had been entered. For the Patent Office's convenience, we enclose a copy of the Office Communication of January 23, 1998.

As the USPTO has acknowledged and entered our Amendment After Allowance filed on April 2, 1997 and as the USPTO has received and cashed our cheque No. 4528 covering the Base Issue Fee also filed on April 2, 1997, we conclude that the Certified Copy of Canadian Patent Application No. 2,112,350 has been received and that priority thereon has been based and completed in the present U.S. Application under 35 USC § 119.

Accordingly, we would appreciate receiving the Letters Patent as soon as possible. If the Patent has been granted but has not been received by the undersigned Agent of Record, a new copy thereof is respectfully requested.

In the event that anything further is required in this file, the Office is respectfully requested to immediately contact the undersigned. If not, the Letters Patent is again anticipated in the short future.

Respectfully,

A large, stylized handwritten signature in dark ink, appearing to read 'Michel Sofia', is written over a horizontal line.

Michel Sofia (Reg. No. 37,017)
Agent of Record

July 18, 2000

Date

SWABEY OGILVY RENAULT
1981 McGill College Ave.
Montreal, Quebec
Canada H3A 2Y3
Tel.: (514) 845-1726

Luong, Vinh

From: Luong, Vinh
Sent: Sunday, October 16, 2005 3:32 PM
To: Ridley, Richard
Subject: Petition to revive Application No. 08272002

This Application No. 08272002 was abandoned on 9/24/1998. Applicant filed a petition to revive on 9/19/05. Please docket and send this case to Office of Petitions. In addition, since this case was abandoned more than two years since the mailing date of my last Office action on 1/23/98, please do not deduct one count from my productivity pursuant to Section IV of the Agreement between POPA and PTO regarding the new rules on 2/5/98 attached. Since you are not available, I would like to leave this case on your desk because tomorrow I will be off. THANK YOU.

Tracking:

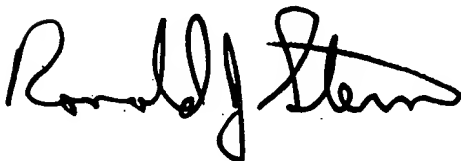
Recipient
Ridley, Richard

Delivery

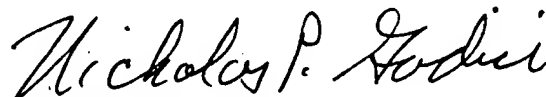
Delivered: 10/16/05 3:32 PM

**PARTNERSHIP AGREEMENT BETWEEN
THE UNITED STATES PATENT AND TRADEMARK OFFICE
AND
THE PATENT OFFICE PROFESSIONAL ASSOCIATION**

The Deputy Assistant Commissioner for Patents and the President of the Patent Office Professional Association hereby approve the Partnership Working Group recommended procedures for New Patent Rule Changes to be implemented corp-wide as of December 1, 1997. The Working Group recommendations agreed to, in the spirit of partnership, by representatives of the Patent and Trademark Office and the Patent Office Professional Association shall be implemented in accordance with the document attached hereto.



Ronald Stern,
President,
Patent Office Professional
Association



Nicholas P. Godici
Acting Deputy Assistant Commissioner
for Patents

For: POPA

For: Patent and Trademark Office

Feb 5, 1998

Date

2/5/98

Date

**Partnership Working Group Recommendations
New Patent Rule Changes Implementation, December 1, 1997**

I

Substitute Specification

No errors based on new matter in an unsolicited substitute specification will be charged to an examiner which are solely derived from such an unsolicited substitute specification. However, it remains the responsibility of the examiner to take appropriate action if any errors are found to ensure patentability of the allowed claims.

II

Continuing Prosecution Applications

1. Continuing Prosecution Applications (CPAs) will be placed on an examiner's amended case docket unless the application is a divisional application which will be placed on the continuing new case docket. The maximum turnaround times for amended cases remains at two months.
2. An examiner shall receive timely actual notice of filing and processing of a CPA before the abandonment count is credited. Any CPA abandonment count credited to the examiner at the end of a fiscal year without timely notice will be subtracted from the examiner's productivity during the correction cycle if requested by the examiner. Timely notice for the end of the fiscal year is actual notice by the close of business on the next to the last business day of the fiscal year.
3. During a transition period of six months beginning January 4, 1998 to June 20, 1998, information/data will be collected to assess the impact on workload caused by the elimination of applications filed under 37 CFR 1.60 and 37 CFR 1.62. The information/data will include notification to the SPE when an excessive number of CPAs are due for action in a single biweek along with the resultant action taken by the examiner on such cases (e.g. first action allowances, first action final rejections, first action non-final rejections, no action completed as sanctioned by SPE). A form will be available for examiners and SPEs to record this information during the transition period. The data will also include the number of examiners who qualified for the pendency reduction award in the full year prior to December 1, 1997 and the number who qualify at the end of the transition period. All collected data and information will be given to POPA by August 31, 1998. Upon the request of either party within one month of POPA's receipt of the data and information, this issue of workload impact shall be revisited.
4. An examiner will receive counts for every CPA filing by analogy to the previously established practice of rules 37 CFR 1.60 and 1.62, i.e., every CPA filing is analogous to an express abandonment count and the examiner will receive two additional counts for the continued prosecution of the application.

5. For examiners working on the pendency award for the time period 10/1/97 to 3/28/98, no examiner shall be disqualified from receiving that pendency award if they complete all amended cases within one month in accordance with the Gainsharing awards agreement and all CPAs on their amended docket within two months.

III

Reopening Prosecution After Notice of Appeal

When reopening of prosecution is required after the filing of a Notice of Appeal caused by no fault by the examiner, the SPE may authorize other examining time for further prosecution of the application based on the amount of additional work required. When an application is remanded from the Board of Appeals based on newly raised issues by the appellant, after the Examiner's answer is written, for the purpose of obtaining examiner additional input, caused by no fault by the examiner, the SPE may authorize other examining time for formulating the response to the Board

IV

Revival of Abandoned Applications

1. When an application is revived under 37 CFR 1.137(b), as changed effective December 1, 1997, and the time between the mailing date of the last Office action and the date the revived case is forwarded to the examiner by the SPE or the LIE is more than 2 years, the count for reviving the application will not be deducted from the examiner's productivity. If prosecution is resumed, the examiner will be credited another disposal count at the end of prosecution.
2. When an application is revived under 37 CFR 1.137(b), as changed effective December 1, 1997, and where a different examiner is assigned to handle the next action on the merits, the count for reviving the application will not be deducted from the examiner's productivity. In addition if prosecution is resumed, the examiner may normally receive an appropriate amount of examining related time but no more than 1/2 the hours per production unit assigned to the application in addition to the disposal count at the end of prosecution.

V

Other

With regard to the instant partnership effort, situations pertaining to the new Patent Rule Changes implemented December 1, 1997, arising on or before December 1, 1998 which have not been addressed in Working Group Partnership discussions will be jointly addressed with the goal being to reach a reasonable decision in an expedient manner.

Partnership Working Group

Janice Howell	<u>Janice A. Howell</u>	Date: <u>1/22/98</u>
Karen Hastings	<u>Karen Hastings</u>	Date: <u>1-22-98</u>
Art Grimley	<u>Art Grimley</u>	Date: <u>1-27-98</u>
Howard Locker	<u>Howard Locker</u>	Date: <u>1/22/98</u>
Andres Kashnikow	<u>Andres Kashnikow</u>	Date: <u>1/22/98</u>
Joe Valenza	<u>Joe Valenza</u>	Date: <u>1/22/98</u>
Paula Hutzell	<u>Paula Hutzell</u>	Date: <u>1/27/98</u>
Vinh Luong	<u>Vinh Luong</u>	Date: <u>1/22/98</u>
Kathy Duda	<u>Kathy Duda</u>	Date: <u>1-22-98</u>
Portia Robinson	<u>Portia Robinson</u>	Date: <u>1/22/98</u>